

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number
(Optional)
HRG-PT033 (G 5455pct/us)

First Named Inventor: Martin Prusak

International (PCT) Application No.: PCT/CH2003/000447

U.S. Application No.:
(if known)

Filed: July 7, 2003

Title: UNDERGROUND PIPE AND METHOD OF SECURING CONDUITS THEREIN

Attention: PCT Legal Staff
Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee which is required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s)) in the form of
371 Transmittal, Declaration, Application, Filing Fee _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Terminal disclaimer with disclaimer fee

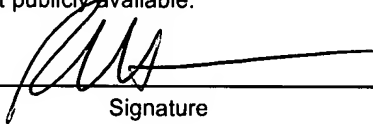
☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

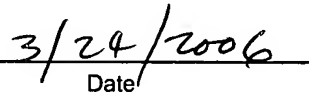
4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.



Signature



Date

Randolph J. Huis

34,626

Typed or Printed Name

Registration Number, if applicable

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Telephone Number

Philadelphia, Pennsylvania 19103

Address

Enclosures: ☐ Response☒ Fee Payment☐ Terminal Disclaimer☒ Other (please identify):

371 Transmittal, Application,
Declaration, Filing Fee and
Statement Re Delay.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the **PATENT APPLICATION** of:

Martin Prusak

Application No.: Not Yet Known

Filed: Not Yet Known

For: UNDERGROUND PIPE AND METHOD
OF SECURING CONDUITS THEREIN

Group: Not Yet Known

Examiner: Not Yet Known

Our File: HRG-PT033

(G 5455pct/us)

Date: March 24, 2006

**STATEMENT RE UNINTENTIONAL DELAY IN SUPPORT
OF PETITION UNDER 37 C.F.R. §1.137(b)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby states that the entire delay in entering the National Phase for PCT/CH2003/000447 since the original due date of February 6, 2005 until the filing of a grantable Petition under 37 C.F.R. §1.137(b) was unintentional. Applicant notes that this application was originally entrusted to patent lawyer, Peter K. Kontler, Reg. No. 20,384, for filing a priority application in the U.S. Through no fault of applicant, this case was filed as a U.S. provisional application no. 60/650,728 on February 7, 2005 (February 6, 2005 being a Sunday) rather than entering the National stage on February 7, 2005, as was originally requested. Although Applicant's prior attorney took steps to attempt to convert the provisional patent application to a regular U.S. application, this would not address the priority claim to the parent PCT application,

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Application No.: Not Yet Known

PCT/CH2003/000447, which should have entered the National Phase by February 7, 2005, in order to provide continuity for the priority claim.


As applicant had intended throughout this entire time frame to have the application proceed as a National Phase application in the U.S. based on the International Application PCT/CH2003/000447, it is clear that applicant had always intended the application to enter the National Phase under 35 U.S.C. §371(c) by the original filing deadline. Accordingly, it is respectfully requested that the accompanying Petition be granted and the PCT application be revived for purposes of National stage commencement under 35 U.S.C. §371(c).

Applicant notes that the required filing and Petition fees, translation of the international application and the signed inventor Declaration are all enclosed herewith.

Respectfully submitted,

Martin Prusak

By


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Enclosures